IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 30150 of 2006(L)

PETITIONER:

V.A.NAZEER, AGED 41 YEARS, S/O. V.ALI,
THATTARAPARAMBIL HOUSE, VADAKKEKUNNAM,
EDAPPALLY NORTH P.O., KALAMASSERY,
KOCHI-682 024.

BY ADV. SRI.P.LEELAKRISHNAN
SRI.SHYAM KRISHNAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, STATE OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE LAW SECRETARY,
LAW DEPARTMENT, STATE OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE KERALA STATE PUBLIC SERVICE
COMMISSION, REPRESENTED BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM.

4. THE SECRETARY,
PERSONAL & ADMINISTRATIVE REFORMS DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

R1,2 &4 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN
R3 BY SC SHRI. P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 30150 OF 2006

Dated this the 16th November, 2006.

JUDGMENT

The petitioner is included as rank No:6 in the supplementary Muslim community list published by the third respondent-Commission for appointment to the post of Legal Assistant Gr.II. Going by the number of vacancies reported to the Commission there is no scope for advising the petitioner. It is contended that the petitioner is a physically challenged person and his case can be considered under the 3% reservation quota earmarked for physically handicapped persons under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Govt. Pleader submits that for Class III and Class IV posts in the various departments under the Government of Kerala the procedure to be followed for considering the cases of physically handicapped persons under Section 33 of the aforesaid Act has been laid down as per G.O(P) 20/98/P&ARD dated 14.7.1998. The petitioner's case can be considered only in terms of the procedure prescribed in the above G.O. Counsel for the respondent-Commission submits that 3% reservation guaranteed to physically challenged persons is not a matter coming with the purview of the

Commission and the vacancies reported cannot be utilised for advising candidates from the rank list against 3% vacancies for which a separate procedure has been laid down in G.O dated 14.7.98.

3. I find force in the submissions made by the Govt. Pleader as also the counsel for the respondent-Commission. Writ petition is therefore dismissed.

K.K.DENESAN
Judge

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